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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,417	01/24/2001	John R. Wullert II	1256-US	4772

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EXAMINER
BUI, BING Q

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 06/10/2004   10

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-11 are pending in the application for examination.

Response to Arguments

2.   Applicant's arguments with respect to claim 1 have been considered but are moot

in view of the new ground(s) of rejection.

3.   Applicant's arguments with respect to claim 9 have been fully considered but they

are not persuasive.

With respect to claim 9, Applicant mainly argues that Bateman does not teach,

suggest or even mention the possibility of providing "availability status information" of

the calling party for overcoming the deficiencies of Bajzath.

Examiner respectfully disagrees because as described in column 6, lines 17-29,

Bateman teaches that a customer (e.g., a calling party) may have option of providing his

URL and his "availability status information" such as a preferred time to be called back

that overcomes the deficiencies of Bajzath.

Claim Rejections - 35 USC § 103

4.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bajzath et

al (U.S. Patent No. 6,144,644) in view of Bateman et al (U.S. Patent No. 6,311,231).

Regarding claim 1, Bajzath et al teach a communication system for advising an

intended called party recipient of the availability of the calling party sender for return

messages (e.g., a telephone number where a calling party is available for receiving a return call from the called party; see Fig. 7, elements "730, 732, 750" and "752 or 754" and col. 7, lns 16-30), said system comprising:

a data terminal (i.e., "PC 130") associated with each of said calling and called parties (see Fig. 2, element "END USER ENVIRONMENT 205"; it is noted that for illustration, the only one "end user environment" is shown in Fig. 2 because it is inherent that in a communication system, more than one "end user environments" can be connected to a SSP and to be served by such SSP; and it is also noted that in one communication process between two users, one end user can be a calling party and another one can be a called party who receives a call from the calling party).

a message routing module (i.e., "SSP 140") for interconnecting said calling and called parties (see Fig. 2, element "SSP 140" and col. 3, lns 52 - 54; it is noted that for illustration, the only one "end user environment" is shown in Fig. 2 because it is inherent that in a communication system, more than one "end user environments" can be connected to a SSP and to be served by such SSP; and it is also noted that in one communication process between two users, one end user can be a calling party and another one can be a called party who receives a call from the calling party); and

a presence processor (i.e., "SCP 145") connected to said data terminal of said calling and called parties and obtaining from the calling party descriptive information (e.g., "name" of the calling party) and a telephone number where the calling party can receive a callback from the called party; see Fig. 2, element "SCP 145" and col. 6, lns 12 - 15; Fig. 7, elements "730, 732, 750" and "752 or 754" and col. 7, lns 16-30),

said message routing module (i.e., "SSP 140") communicating with said

presence processor (i.e., "SCP 145") in response to said calling party not completing a

call to said called party and said presence processor in response thereto forwarding to

the data terminal of said called party said calling party descriptive information (e.g.,

"name" of the calling party) and the telephone number where the calling party can

receive a callback from the called party (see Fig. 6A, steps "600" - "660" and col. 6, lns

7- 16 and lns 33 - 53; Fig. 7, elements "730, 732, 750" and "752 or 754" and col. 7, lns

16-30)).

As indicated above, Bajzath et al teach the invention substantially as claimed

with the exception of providing the calling party availability status information. However,

as described in column 6, lines 17-29, Bateman teaches that a customer (e.g., a calling

party) may have option of providing his URL and his "availability status information"

such as a preferred time to be called back. Therefore, integrating Bateman's teachings

into communication system of Bajzath would have been obvious for providing

convenience to customer.

Regarding claim 2, Bajzath et al further teach the presence processor (i.e.,

"SCP 145") includes circuitry for communicating with said data terminals (i.e., "END

USER ENVIRONMENT 205") and said message routing module (i.e., "SSP 140"), a

datastore (i.e. "CALL WAITING INTERNET SERVER 215") for storing status

information, and status processor (see Fig. 2 and col. 4, lns 22 - 38).

Regarding claim 3, Bajzath et al further teach the communication system is a

telephone system (see Fig. 2 and element "PSTN 210").

Regarding claim 4, Bajzath et al further teach the message routing module (i.e., "SSP 140") is a call agent (it is noted that SSP interacts with other components (i.e., SCP, other SSP or terminals) within a communication network for appropriately routing a call requested by a calling party associated with such SSP is considered "an agent", because by definition, <u>an agent is an entity</u> acting on behalf of another.

Regarding claim 5, Bajzath et al further teach communications between said call agent (i.e., "SSP 140"), said presence processor (i.e., "SCP 145"), and said calling and called parties, including said data terminals, are through a packet-based communication network (see Fig. 2 and col. 4, lns 18 - 38).

Regarding claim 6, Bajzath et al further teach a residential gateway (i.e., "MODEM 135") between each of said calling and called parties and said packet-based communication network (see Fig. 2, element "MODEM 135" and col. 36 - 42; it is noted that the "MODEM 135" is appropriate for reading on gateway because by definition, gateway is an entrance and exit into a communications network).

Regarding claim 7, Bajzath et al further teach the message routing module is a telephone switch (i.e., "SSP 140") and said presence processor is a service control point (i.e., "SCP 145") (see Fig. 1, elements "SSP 140" and "SCP 145"; and col. 3, lns 49 - 58).

Regarding claim 8, Bajzath et al further teach a packet based network (i.e., Internet Service Provider "ISP 115") connecting said service control point (i.e., "SCP 145") to said data terminals (i.e., "PC 130") of said calling and called parties. (See Fig. 2 and col. 4, lns 18 - 38).

        Regarding claim 9, Bajzath et al fail to teach the data terminal includes a

scheduling calendar, said presence processor obtaining the availability status

information from said scheduling calendar. However, Bateman et al teach a multimedia

message manager that allows an agent to schedule call back to a customer in

accordance with the customer's preferred time for call-back (see col. 7, lns 13-41 and

col. 11, lns 61-67). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to include a system for obtaining and storing the

caller's scheduled available time for placing a callback as requested by the caller, as

taught by Bateman et al, into communication system of Bajzath et al in order to provide

benefit to both calling and called parties.

        As to claim 10, it is rejected for the same reasons set forth to rejecting claim 1.

        Regarding claim 11, Bajzath et al further teach the presence processor is

operative to dynamically update said status information (see col. 6, lns 33 - 53).

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bing Bui whose telephone number is (703) 308-5858.

The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306

and for formal communications intended for entry (please label the response

"EXPEDITED PROCEDURE") or for informal or draft communications not intended for

entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

4700.

Paper Number : 10

BING Q. BUI
Primary Examiner